

AMENDED IN SENATE MAY 20, 1998
AMENDED IN SENATE APRIL 13, 1998
AMENDED IN SENATE MARCH 17, 1998

SENATE BILL

No. 1630

Introduced by Senator Rosenthal

February 12, 1998

An act to amend Section 1569.38 of, and to add Section 1569.61 to, the Health and Safety Code, relating to residential care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1630, as amended, Rosenthal. Residential care facilities for the elderly.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

Existing law requires that every substantiated complaint or substantiated citation against a residential care facility for the elderly be posted by the facility in a conspicuous place within the facility for a period of 6 months.

This bill would instead require each residential care facility for the elderly to place in a conspicuous place copies of all licensing reports issued by the department within the preceding 12 months, and all licensing reports issued by the department resulting from the most recent annual visit of the department.

Existing law further requires a facility, during the admission process, to inform the designated responsible 3rd party in writing that substantiated complaints and substantiated citations against the facility are posted for 6 months and kept on file for public access and review, and that copies of results of department investigations and surveys of the facility are available from the appropriate district office of the department.

This bill would instead require a facility to inform the resident and the resident's responsible person, as defined, in writing that licensing reports are available for review at the facility, and that copies of licensing reports and other documents pertaining to the facility are available from the appropriate district office.

The bill would also require the department to develop and maintain at each district office a public file for each facility in the district ~~and to develop and establish a consumer information service system containing specified elements to provide updated and accurate information to the general public and consumers regarding residential care facilities for the elderly in their communities, and would require that certain information be made available at district offices of the department's Community Care Licensing Division and through the Internet containing information held by the department regarding that facility.~~

Since the violation of the provisions applicable to residential care facilities for the elderly is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Residential care facilities for the elderly provide a continuum of long-term care services that support the fluctuating social and personal care needs of elderly residents.

(2) Many consumers are not familiar with residential care facilities for the elderly.

(3) The choice of a residential care facility for the elderly often occurs during a time of great stress. Because the prospective resident may have just suffered a significant medical setback that prevents him or her from living independently, the choice of a facility often must be made within the span of a few days.

(4) Consumer knowledge of residential care facilities will be greatly enhanced if the information developed and maintained by the State Department of Social Services is made available to consumers.

(b) It is the intent of the Legislature to provide consumers with ready access to the information developed and maintained by the State Department of Social Services regarding residential care facilities for the elderly.

SEC. 2. Section 1569.38 of the Health and Safety Code is amended to read:

1569.38. (a) Each residential care facility for the elderly shall place in a conspicuous place copies of all licensing reports issued by the department within the preceding 12 months, and all licensing reports issued by the department resulting from the most recent annual visit of the department to the facility. This subdivision shall not apply to any portion of a licensing report referring to a complaint that was found by the department to be unfounded or unsubstantiated. The facility, during the admission process, shall inform the resident and the resident's responsible person in writing that licensing reports are available for review at the facility, and that copies of licensing reports and other

1 documents pertaining to the facility are available from
2 the appropriate district office of the department. The
3 facility shall provide the telephone number and address
4 of the appropriate district office.

5 (b) For purposes of this section, “responsible person”
6 means an individual or individuals, including a relative,
7 or placement agency, who assists the resident in
8 placement or assumes varying degrees of responsibility
9 for the well-being of the resident.

10 SEC. 3. Section 1569.61 is added to the Health and
11 Safety Code, to read:

12 1569.61. ~~(a)~~ The department shall develop and
13 maintain at each district office a public file for each
14 facility in that district, so that upon request a consumer
15 may immediately receive all information held by the
16 department regarding that facility, except that the names
17 of individual residents shall not be disclosed.

18 ~~(b) The department shall develop and establish a~~
19 ~~consumer information service system to provide updated~~
20 ~~and accurate information to the general public and~~
21 ~~consumers regarding residential care facilities for the~~
22 ~~elderly in their communities. The consumer information~~
23 ~~service system shall include, but need not be limited to,~~
24 ~~an online inquiry system accessible through a statewide~~
25 ~~toll-free telephone number, through the Internet, and at~~
26 ~~the department’s district offices. This online inquiry~~
27 ~~system shall include at least all of the following elements:~~

28 ~~(1) A profile for each residential care facility for the~~
29 ~~elderly, which shall include data on services provided by~~
30 ~~the facility, all deficiencies and citations noted by the~~
31 ~~department in the facility during the four preceding~~
32 ~~years, and all owners and changes of ownership in the~~
33 ~~facility during the four preceding years.~~

34 ~~(2) The date and amount of each citation issued, all~~
35 ~~further actions and appeals regarding each citation, all~~
36 ~~money paid by a facility toward a citation, and the current~~
37 ~~status of the citation.~~

38 ~~(3) All monetary fines assessed or collected, or both, by~~
39 ~~the department related to residential care facilities for~~

1 ~~the elderly, with the capability of analyzing the data by~~
2 ~~facility, by county, and by year.~~

3 ~~(e) All information required by paragraphs (1) to (3),~~
4 ~~inclusive, of subdivision (b) shall be made available at~~
5 ~~district offices of the department's Community Care~~
6 ~~Licensing Division and through the Internet.~~

7 SEC. 4. No reimbursement is required by this act
8 pursuant to Section 6 of Article XIII B of the California
9 Constitution because the only costs that may be incurred
10 by a local agency or school district will be incurred
11 because this act creates a new crime or infraction,
12 eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition
15 of a crime within the meaning of Section 6 of Article
16 XIII B of the California Constitution.

17 Notwithstanding Section 17580 of the Government
18 Code, unless otherwise specified, the provisions of this act
19 shall become operative on the same date that the act
20 takes effect pursuant to the California Constitution.